

City Council Introduction: **Monday**, April 2, 2001  
Public Hearing: **Monday**, April 9, 2001, at **1:30 p.m.**

Bill No. 01-59

## **FACTSHEET**

**TITLE:** **CHANGE OF ZONE NO. 3303**, from AGR Agricultural Residential to R-3 Residential, requested by Ross Engineering, Inc. on behalf of Aspen Builders, Inc., on property generally located at S.W. 27<sup>th</sup> Street and West "A" Street.

**STAFF RECOMMENDATION:** Approval.

**ASSOCIATED REQUEST:** Change of Zone No. 3258 (01-58) and Preliminary Plat No. 00013, Aspen Ridge (01R73)

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 02/07/01  
Administrative Action: 02/07/01

**RECOMMENDATION:** Approval (8-0: Duvall, Steward, Newman Carlson, Taylor, Krieser, Hunter and Bayer voting 'yes'; Schwinn absent).

### **FINDINGS OF FACT:**

1. This change of zone was heard by the Planning Commission in association with the revised Aspen Ridge Preliminary Plat No. 00013 on February 7, 2001. The associated Change of Zone No. 3258 was heard by the Planning Commission in association with the original Aspen Ridge Preliminary Plat on October 18, 2000.
2. The Planning staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.3.
3. This application was placed on the Consent Agenda of the Planning Commission on February 7, 2001, and opened for public hearing. No one came forward to speak.
4. On February 7, 2001, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** March 26, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** March 26, 2001

**REFERENCE NUMBER:** FS\CC\FSCZ3303

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

**P.A.S.:** Change of Zone #3303

**DATE:** January 24, 2001

**PROPOSAL:** Tom Cajka, of Ross Engineering, has requested a Change of Zone from AGR Agricultural Residential District to R-3 Residential District.

### **GENERAL INFORMATION:**

**APPLICANT:** Tom Cajka  
Ross Engineering  
201 N. 8<sup>th</sup> Suite 401  
Lincoln, NE 68508  
(402) 474-7677

**CONTACT:** Same

**LOCATION:** S.W. 27<sup>th</sup> and W. "A" Streets

**LEGAL DESCRIPTION:** A portion of Lot 102, Irregular Tract, located in the Northwest Quarter of Section 33, T10N, R6E, more specifically described as attached.

**SIZE:** 1.258 acres, more or less

**EXISTING ZONING:** AGR, Agricultural Residential

**EXISTING LAND USE:** Single family dwelling

**SURROUNDING LAND USE AND ZONING:** Surrounded by AGR Agricultural Residential zoning, with H-4 General Commercial District further to the southwest. Change of Zone #3258 from AGR Agricultural Residential zoning to R-3 Residential zoning for the property east of this parcel, received a recommendation of approval by Planning Commission on October 18, 2000. That item will have a public hearing in front of the City Council at the same time as this request.

**COMPREHENSIVE PLAN SPECIFICATIONS:** Shown as residential on "Figure 16, Lincoln's Land Use Plan" in the 1994 Lincoln-Lancaster County Comprehensive Plan, as amended.

**HISTORY:** Changed from AA Rural and Public Use District to AGR Agricultural Residential District with the **1979** zoning update.

Preliminary Plat #00013, Aspen Ridge consisting of 59 residential lots and 3 outlots was approved by the Planning Commission on **October 18, 2000**. The proposal has been substantially revised, and requires the review of the Planning Commission.

The Planning Commission recommended approval to Change of Zone #3258 from AGR to R-3 over the eastern portion of the proposed preliminary plat on **October 18, 2000.**

**SPECIFIC INFORMATION:**

**UTILITIES:** Utilities will be extended to serve this area with the associated Preliminary Plat #00013, Aspen Ridge.

**ANALYSIS:**

1. This is a request for a change of zone from AGR Agricultural Residential District to R-3 Residential District.
2. This request is associated with Preliminary Plat #00013, Aspen Ridge and Change of Zone #3258, from AGR to R-3. The property is included within the Preliminary Plat, but was not included in the change of zone request.
3. This area was within the Airport Environs District 2 and was shown as part of a larger outlot at the time the Planning Commission held the public hearing on Aspen Ridge Preliminary Plat #00013. Residential uses were not allowed in that district.
4. The Airport Environs District 2 has since been eliminated.
5. The proposed Aspen Ridge Preliminary Plat, associated with this request, has been revised to show 4 single family lots on this parcel.
6. The existing single family dwelling on this parcel is within the 70 Ldn noise contour, and is a non-conforming, pre-existing use with respect to its location. The proposed change of zone will not change the degree of non-conformity of that use.
7. The property that lies between the 65Ldn and 70Ldn noise contours can be developed for residential uses if the conditions of 27.58.060 are met. Those conditions require a site plan and design that incorporate features to minimize noise impacts.
8. The proposed preliminary plat has been amended to show residential lots in this area, and is associated with this application.

**STAFF RECOMMENDATION:**

Approval

Prepared by:

Jennifer L. Dam, AICP  
Planner

## CHANGE OF ZONE NO. 3303

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

February 7, 2001

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Steward and Taylor; Schwinn absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3303;**  
**PRELIMINARY PLAT NO. 00013, ASPEN RIDGE; and STREET & ALLEY VACATION NO. 01001.**

Street Vacation No. 01001 was removed from the Consent Agenda at the request of the applicant and scheduled for separate public hearing.

Steward moved to approve the remaining Consent Agenda, seconded by Hunter and carried 8-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Steward and Taylor voting 'yes'; Schwinn absent.

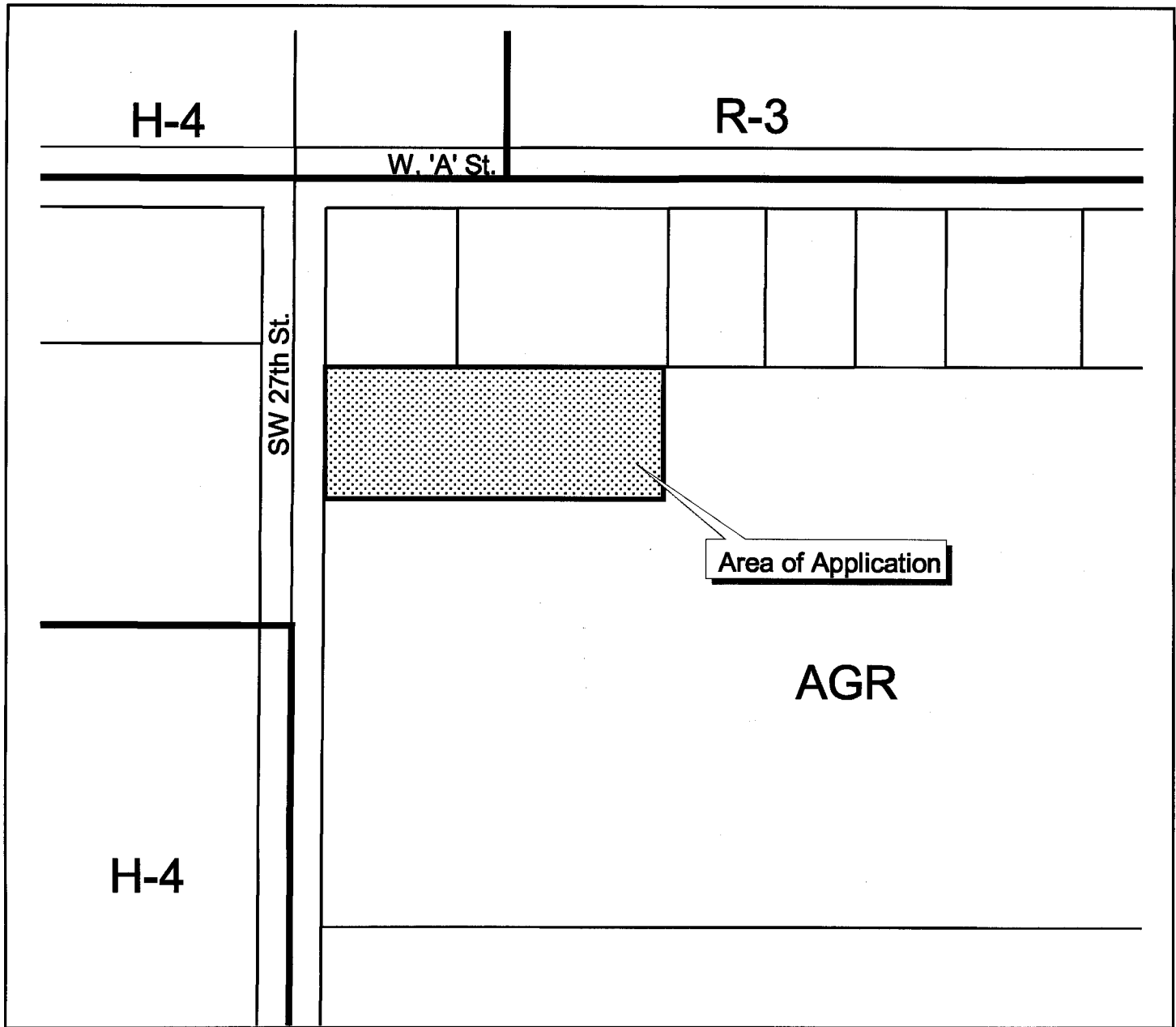
# LEGAL DESCRIPTION

## CHANGE OF ZONING 3303 'AGR' TO 'R-3' RESIDENTIAL

A Legal description of a portion of Lot 102 Irregular Tract, located in the Northwest Quarter of the Northwest Quarter of Section 33, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and more particularly described by metes and bounds as follows:

Referring to the Northwest Corner of Section 33, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; Thence S 00°17'42" W, (an assumed bearing), and on the West Line of the Northwest Quarter of said Section 33, a distance of 208.23 feet to the Northwest Corner of Lot 102 Irregular Tract of said Section 33 and the POINT OF BEGINNING; Thence N 89°51'48" E, and on the Northerly Line of Lot 102 or the Southerly Line of Lots 128 and 129 Irregular Tracts of said Section 33, a distance of 376.07 feet; Thence S 00°17'42" W, a distance of 146.13 feet; Thence N 89°59'43" W, and parallel with the South Line of Lot 102 Irregular Tract of said Section 33, a distance of 376.06 feet to a point on the West Line of the Northwest Quarter and Lot 102 Irregular Tract of said Section 33; Thence N 00°17'42" E, and on the West Line of the Northwest Quarter and Lot 102 Irregular Tract of said Section 33, a distance of 145.20 feet to the point of beginning and containing a calculated area of 54,779.90 square feet or 1.258 acres, more or less.

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# **Change of Zone #3303** **SW 27th St. & West 'A' St.**

## **Zoning:**

- |            |  |
|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AGR        | Agricultural Residential District      |
| R-C        | Residential Conservation District      |
| O-1        | Office District                        |
| O-2        | Suburban Office District               |
| O-3        | Office Park District                   |
| R-T        | Residential Transition District        |
| B-1        | Local Business District                |
| B-2        | Planned Neighborhood Business District |
| B-3        | Commercial District                    |
| B-4        | Lincoln Center Business District       |
| B-5        | Planned Regional Business District     |
| H-1        | Interstate Commercial District         |
| H-2        | Highway Business District              |
| H-3        | Highway Commercial District            |
| H-4        | General Commercial District            |
| I-1        | Industrial District                    |
| I-2        | Industrial Park District               |
| I-3        | Employment Center District             |
| P          | Public Use District                    |

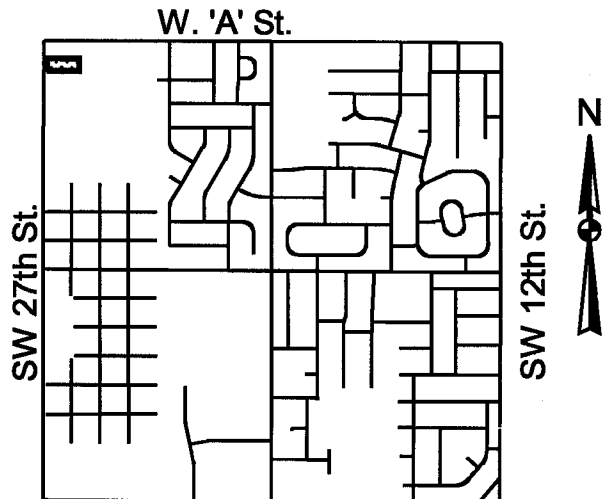
One Square Mile  
 Sec. 33 T10N R6E



Zoning Jurisdiction Lines



City Limit Jurisdiction

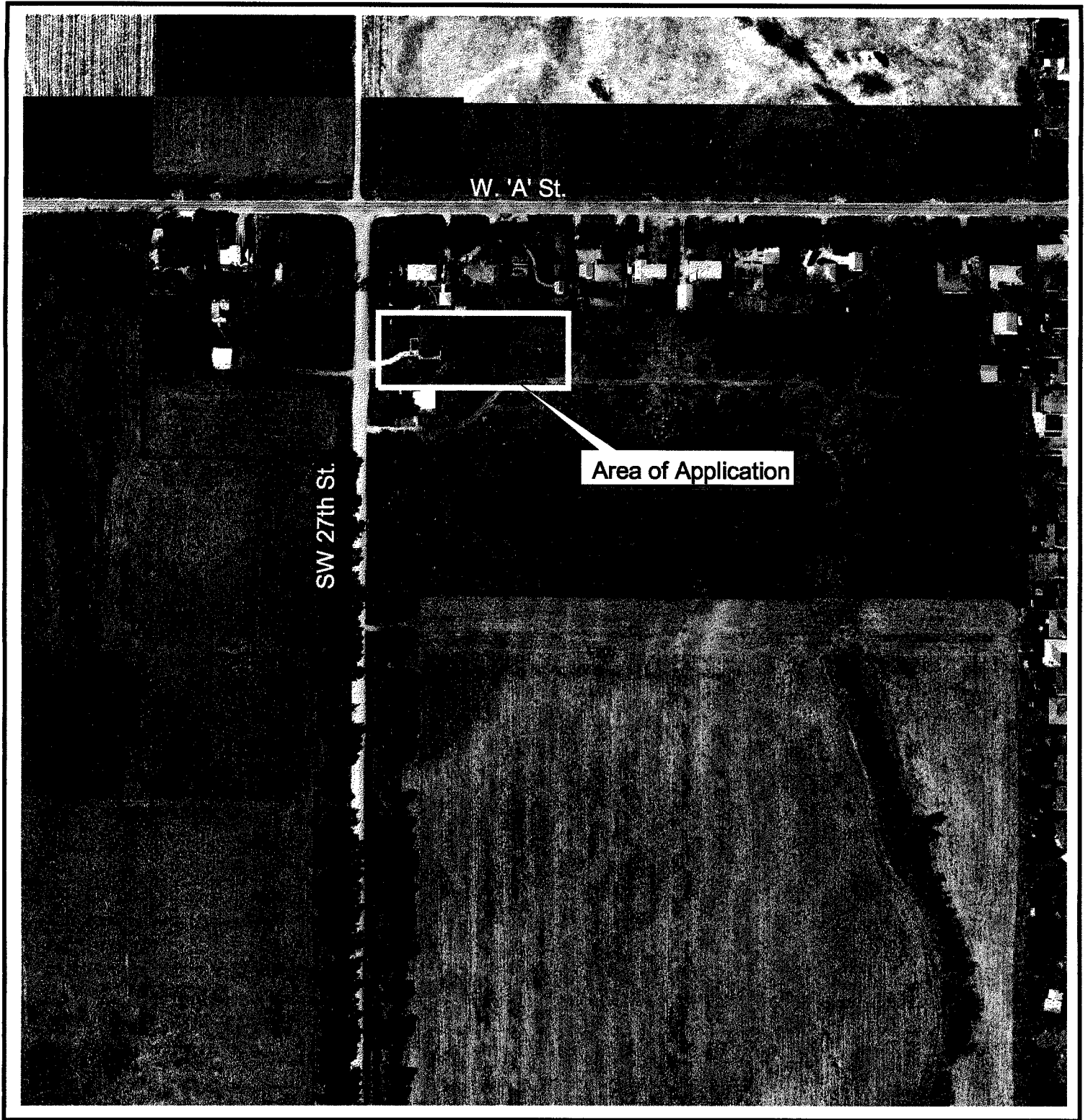


W. Van Dom St.

Sheet 4 of 5  
 Date: 1/24/01

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Lincoln City - Lancaster County Planning Dept.



**Change of Zone #3303  
SW 27th St. & West 'A' St.**



Sheet 2 of 5

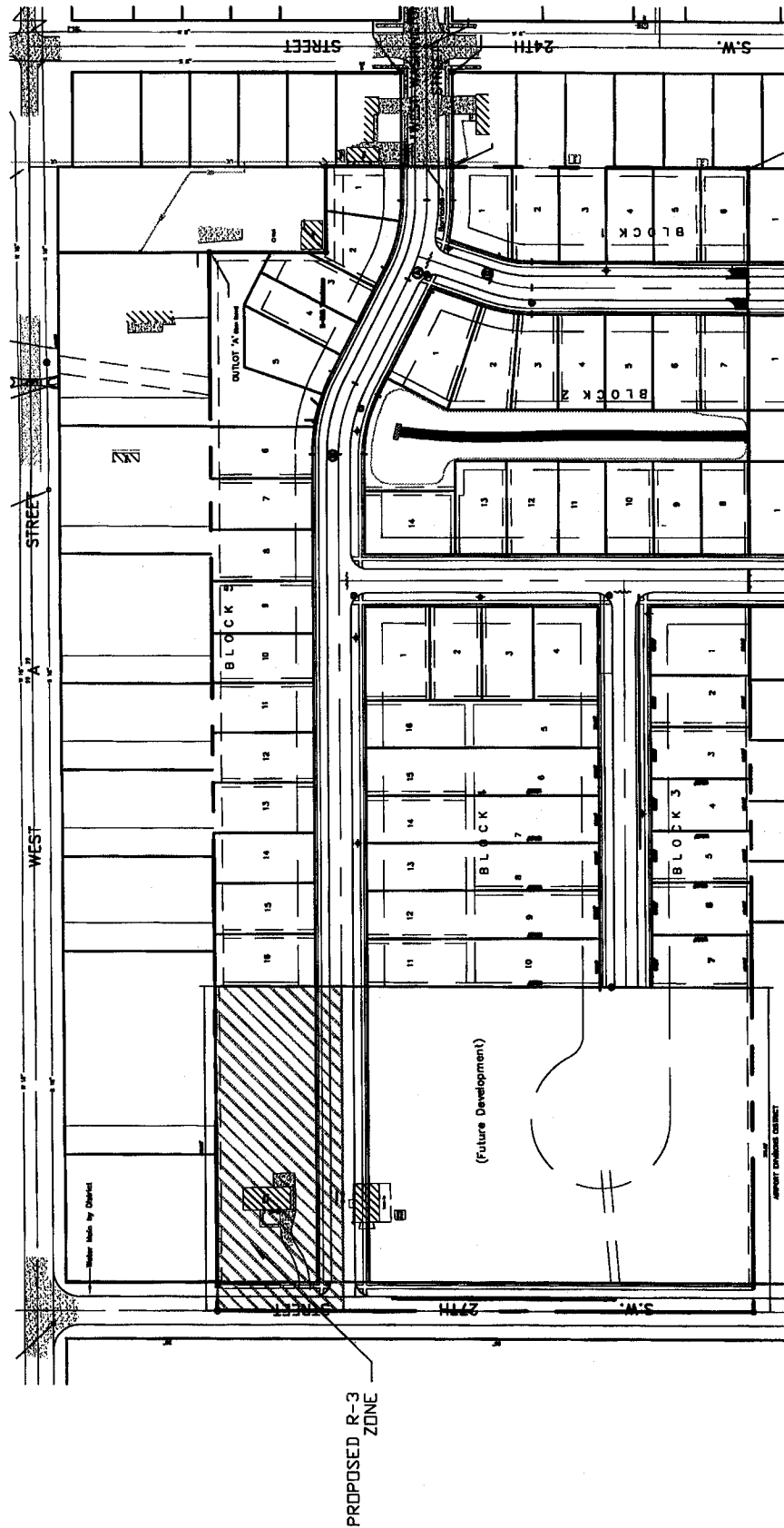
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Photograph Date: 1999

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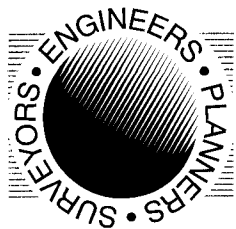
# CHANGE OF ZONE EXHIBIT FOR ASPEN RIDGE



CHANGE OF ZONE EXHIBIT  
AGR TO R-3 RESIDENTIAL

Jan. 12, 2001 REI Project No.: 986.7B Zone Change





**ROSS**  
**E**ngineering,  
**I**nc.

January 12, 2001

**ESTABLISHED**  
**1974**

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Auburn, NE 68305  
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Fax 402.274.4821

www.rossengineering.com

Ms. Jennifer Dam, AICP  
County-City Building  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

RE: Aspen Ridge  
Change of Zone  
West "A" Street and SW 27<sup>th</sup> Street  
REI Project No. 986-7B

Dear Jennifer:

On behalf of Mr. Bob Benes with Aspen Builders, Inc., we are submitting a request for a Change of Zone from AGR to R-3 Residential. The enclosed exhibit details the area to be rezoned.

Previously Planning Commission approved a change of zone from AGR to R-3 over the eastern two-thirds of the property. We are requesting this change of zone in order to create a lot for the existing house. We are aware that the house will be a non-conforming use.

Enclosed with this submittal are:

1. Change of Zone exhibit.
2. Legal Description
3. Filing Fee \$290.00

Please call if you have any questions.

Sincerely,

**ROSS ENGINEERING, INC.**

  
Tom J. Cajka  
Senior Land Planner

Cc: Bob Benes

TJC:mdt  
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